

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

K.O. and E.O., Jr., by and through their parents and next friends, E.O. and L.J.; and C.J., by and through his father and next friend F.C.,

Plaintiffs,

v.

United States of America,

Defendant.

Civil Action No. 4:20-12015-MRG

JOINT STIPULATION CONCERNING CLASS CLAIMS

The parties, through undersigned counsel, agree as follows:

- 1) Plaintiffs K.O. and E.O., Jr., by and through their parents and next friends, E.O. and L.J., and Plaintiff C.J., by and through his father and next friend F.C., hereby stipulate that they will not seek class certification under Fed. R. Civ. P. 23(e) in this case.
- 2) The named Plaintiffs will proceed with this action to pursue their claims on an individual rather than a class-wide basis.
- 3) No class has been certified in this action. Therefore, neither court approval nor notice to putative class members is required. *See* Fed. R. Civ. P. 23(e)(1) (Rule 23(e) applies only to “a certified class—or a class proposed to be certified for purposes of settlement”). *See also Adams v. USAA Casualty Ins. Co.*, 863 F.3d 1069, 1082 (8th Cir. 2017); *Jackson v. Innovative Secs. Servs., LLC*, 283 F.R.D. 13, 15 (D.D.C. 2012).

Dated: May 11, 2023

Respectfully submitted,

Rachael S. Rollins
United States Attorney

By: /s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
One Courthouse Way – Suite 9200
Boston, MA 02210
(617) 748-3100
Rayford.farquhar@usdoj.gov

E.O. and L.J., and K.O. and E.O., Jr. by and through their parents and next friends, E.O. and L.J.; F.C., and C.J by and through his father and next friend F.C.,

By their attorneys,

/s/ Joseph M. Cacace
Howard M. Cooper (BBO # 543842)
Joseph M. Cacace (BBO # 672298)
TODD & WELD LLP
One Federal Street, 27th Floor
Boston, MA 02110
(617) 720-2626
hcooper@toddweld.com
jcacace@toddweld.com

Susan B. Church (BBO # 639306)
Derege Demissie (BBO # 637544)
DEMISSIE & CHURCH
929 Massachusetts Avenue, Suite 01
Cambridge, MA 02139
(617) 319-2399
sbc@demissiechurch.com
dd@demissiechurch.com

David A. Vicinanzo (*pro hac vice*)
Nathan P. Warecki (BBO# 687547)
Lauren Maynard (BBO# 698742)
NIXON PEABODY LLP
53 State Street, Exchange Place
Boston, MA 02109
(617) 345-1000
dvcinanzo@nixonpeabody.com
nwarecki@nixonpeabody.com
lmaynard@nixonpeabody.com

Iván Espinoza-Madrigal (*pro hac vice* forthcoming)
Lawyers for Civil Rights
61 Batterymarch Street, 5th Floor
Boston, MA 02110

(617) 988-0624
iespinoza@lawyersforcivilrights.org

Jeff Goldman (BBO # 548056)
Goldman & Partners
125 Washington Street, Ste. 204
Salem, MA 01970
978-219-5040
Jeff@gpimmigration.com

CERTIFICATE OF SERVICE

I, Lauren A. Maynard, hereby certify that this document has been filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Lauren A. Maynard
Lauren A. Maynard

Dated: May 11, 2023